

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

In re: Gold King Mine Release in San Juan
County, Colorado on August 5, 2015

*This Document Relates to:
All Cases*

No. 1:18-md-02824-WJ

**MOTION FOR A STAY OF MONTHLY STATUS CONFERENCE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the Federal Defendants' participation in the Special Master's monthly status conferences as set forth in the Order Regarding November 5, 2017 Status Conference, ECF 125, including the status conference rescheduled for January 4, 2019, in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the U.S. Environmental Protection Agency. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the U.S. Environmental Protection Agency are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the Federal Defendants' participation in the Special Master's monthly status conferences, including the status conference rescheduled for January 4, 2019, until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Special Master as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel do not oppose the Government's motion. The State of Utah clarifies that it does not object to the motion "assuming that a continuing appropriation is not approved" before the January 4, 2019, status conference.

Therefore, although we greatly regret any disruption caused to the Special Master, and the other litigants, the Government hereby moves for a stay of the Federal Defendants' participation in the Special Master's monthly status conferences in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: December 26, 2018

Respectfully Submitted

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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2018, I filed the foregoing document electronically through the CM/ECF system, which caused the parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Albert K. Lai

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